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10/804,683	03/19/2004	Matthias Niethammer	P04,0082	8170

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EXAMINER

FISHER, PAUL R

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3689

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,683	Applicant(s) NIETHAMMER, MATTHIAS	
	Examiner PAUL R. FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 15, 2009 has been entered.

Response to Amendment

2. Amendment received on January 15, 2009 has been acknowledged. Claims 1, 3, 8, 11 and 12 have been amended. Claims 1-15 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 1, the recited term "temporarily" renders the claim indefinite. The Examiner is unclear as to the period of time temporary is meant to apply to. For purposes of examination the Examiner is taking this term to mean as long as it can be changed, it is temporary.

Art Unit: 3689

6. Further in claim 1, the use of the term “that” in lines 8 and 9 renders the claim indefinite. The Examiner is unclear as to which device or component is being referred to by the “that”.

7. In claim 8, the recited term “temporarily” renders the claim indefinite. The Examiner is unclear as to the period of time temporary is meant to apply to. For purposes of examination the Examiner is taking this term to mean as long as it can be changed, it is temporary.

8. In claim 11, the recited term “temporarily” renders the claim indefinite. The Examiner is unclear as to the period of time temporary is meant to apply to. For purposes of examination the Examiner is taking this term to mean as long as it can be changed, it is temporary.

9. In claim 12, the recited term “temporarily” renders the claim indefinite. The Examiner is unclear as to the period of time temporary is meant to apply to. For purposes of examination the Examiner is taking this term to mean as long as it can be changed, it is temporary.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson.

As per claim 1, Shiraishi discloses a medical system (Paragraph 2; discloses that the apparatus can be used in a medical system) comprising:

an installed medical imaging apparatus comprising a plurality of permanently installed components including a control unit for operating the installed medical imaging apparatus (Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location);

a remote access interface connected to the control unit configured to allow the control unit to communicate with a remote location for remote servicing of the installed medical imaging apparatus (Fig. 2, character 10, paragraph 34; discloses the remote access interface);

an external device that is separate from said permanently installed components of said installed medical imaging apparatus and that is configured for temporary

Art Unit: 3689

connection to at least one of said permanently installed components for operation in combination with said installed medical imaging apparatus, said external device comprising an external device interface (Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraphs 41 and 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer. This connection is considered to be temporary since it can be disconnected and reconnected when the system is upgraded);

said installed medical imaging apparatus having a remote access interface (Fig. 2, character 10, paragraph 34; discloses the interface for remote access) connected to said control unit, and connectible to said external device interface only when said external device is connected to at least one of said permanently installed components, to allow communication between said control unit and said external device (Paragraph 34; discloses the communication with the external device); and

said control unit configured to temporarily place said external device in communication with said remote access interface, via said external device interface, to allow remote servicing of said external device from said remote location through said

Art Unit: 3689

installed medical imaging apparatus via said remote access interface and said external device interface (Fig. 2, characters 9 and 10; disclose the router or communication channel that allows communication from the external device and the remote location).

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 8, Shiraishi discloses a method for remotely servicing an external device used in combination with an installed medical imaging apparatus that comprises a plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that the

Art Unit: 3689

invention relates to a medical system and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

providing said installed medical imaging apparatus with remote access equipment allowing remote servicing of said installed medical imaging apparatus (Fig. 2, characters 9 and 10, paragraph 3; disclose that the system includes remote access equipment for allowing the remote servicing of the installed medical apparatus);

Art Unit: 3689

temporarily connecting said external device to at least one of said permanently installed components (Fig. 2, characters 9 and 103; disclose that the external device, which is in this example a gantry apparatus, is connected to the installed medical apparatus. Page 3, paragraphs 41 and 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer. This connection is considered to be temporary since it can be disconnected and reconnected when the system is upgraded); and

temporarily connecting said external device to said remote access equipment in said installed medical imaging apparatus for allowing remote servicing of said external device through said remote access equipment of the installed medical imaging apparatus (Fig. 2, characters 9, 10, and 103, paragraph 4; disclose that the external device is connected to the remote access equipment in the installed medical system and that the service provider is able to have access to this equipment to perform maintenance service. Page 3, paragraphs 41 and 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of

Art Unit: 3689

the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer. This connection is considered to be temporary since it can be disconnected and reconnected when the system is upgraded).

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 11, Shiraishi discloses a method for servicing an external device used in combination with an installed medical imaging apparatus that comprises a

Art Unit: 3689

plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that the invention relates to a medical apparatus and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

establishing a communication link between said installed medical imaging apparatus and a service center remote from said installed medical imaging apparatus

(Fig. 1, paragraph 3; disclose there is a communication link between the installed medical device and a service apparatus);

via said communication link, remotely servicing said installed medical imaging apparatus from said service center (Paragraph 3; discloses that the communication link is used to remotely service the installed medical apparatus);

temporarily connecting said external device to at least one of said permanently installed components (Fig. 2. paragraph 4; disclose that there is an external device, which in this example is a gantry apparatus, which is connected to the installed medical imaging apparatus. Page 3, paragraphs 41 and 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer. This connection is considered to be temporary since it can be disconnected and reconnected when the system is upgraded); and

routing said communication link through said installed medical imaging apparatus to said external device via said at least one of said permanently installed components (Fig. 2, characters 9 and 10; disclose the routing of the communication link from the installed medical imaging apparatus); and

remotely servicing said external device from said service center through said installed medical imaging apparatus (Paragraph 4; discloses that the external device is serviced remotely through the installed medical imaging apparatus);

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 12, Shiraishi discloses a method for charging for servicing of an external device used in combination with an installed medical imaging apparatus that comprises a plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that

Art Unit: 3689

the invention relates to a medical apparatus and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

installing said installed medical imaging apparatus manufactured by a first manufacturer (Fig. 1, paragraphs 1-4, 42; disclose the installing of medical apparatus manufactured by a first manufacturer);

providing said installed medical imaging apparatus with remote access equipment allowing said installed medical imaging apparatus to communicate with a service center located remote from said installed medical imaging apparatus for remote servicing of said installed medical imaging apparatus (Fig. 2, characters 9 and 10, paragraph 3; disclose remote access equipment that allow the medical apparatus to communicate with a service center);

temporarily connecting said external device, manufactured by a second manufacturer, to at least one of said permanently installed components (Fig. 2, characters 9 and 103, paragraph 4 and 42; disclose an external device being connected to the installed medical apparatus by a second manufacturer. Page 3, paragraphs 41 and 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer. This connection is considered to be temporary since it can be disconnected and reconnected when the system is upgraded);

temporarily establishing communication, through said remote access equipment of said installed medical imaging apparatus, between said external device and said remote center, via said at least one of said permanently installed components, for remotely servicing said external device through said medical imaging apparatus (Fig. 2,

Art Unit: 3689

characters 9, 10 and 103, paragraph 4; disclose that communication is established between the remote access equipment and the installed medical apparatus for servicing by a remote center); and

imposing a monetary charge by the manufacturer (Paragraph 2 and 58; disclose that the service provider imposes a monetary charge for a service contract and states that the contract is negotiated with the customer and checked before services are rendered).

Shiraishi fails to explicitly disclose wherein the imposing of the monetary charge is by said first manufacturer to said second manufacturer dependent on said remote servicing of said external device. The Examiner however asserts that it would have been obvious given the definition of the term contract (from www.dictionary.com that's that a contract is an agreement between two or more parties for the doing or not doing of something specified) that the first manufacturer would charge the second manufacturer for any services they agreed upon. The contract mentioned in paragraph 2 of Shiraishi states that the contract is between a customer since this is a maintenance agreement the manufacturer of the external device could have an agreement with the service provider that if services are performed on their device that they are to be charged the appropriate fee. The service provider mentioned in Shiraishi would need to have access to the component equipment and maintain this equipment to ensure that the entire system is working properly as mentioned in paragraph 4, and would not want to perform maintenance and updates to external devices that are not covered under the

Art Unit: 3689

hospitals service agreement without having an agreement with the second vendor to get paid for services performed.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include imposing a charge to a second manufacturer of an external device in the system provided by Shiraishi, for the purpose of ensuring that the service provider is not doing maintenance and upgrades to parts of the system for free. The service provider mentioned in Shiraishi would need to have access to the component equipment and maintain this equipment to ensure that the entire system is working properly as mentioned in paragraph 4, and would not want to perform maintenance and updates to external devices that are not covered under the hospitals service agreement without having an agreement with the second vendor to get paid for services performed.

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Lisa Fratt: "What's Up with Contrast Injectors?" (February 2003) hereafter Fratt.

As per claim 2, the combination of Shiraishi and Gregerson discloses the above-enclosed invention, Shiraishi further discloses wherein said installed medical apparatus is a computed tomography apparatus and where there is an external device connected (Paragraph 2; discloses the system can be used in a CT scanner or MRI system, and the external device can be a plurality of machines including but not limited to a gantry apparatus).

Shiraishi fails to disclose wherein said external device is a power contrast agent injector.

Fratt, which talks about contrast injectors, teaches that the external device used in a computed tomography system can be a power contrast agent injector (Paragraph 4, heading Fact 3; teaches that the market for CT power injectors is growing due to new

Art Unit: 3689

applications and procedures such as CT angiography, cardiac CT and perfusion imaging and that the faster the scanners are the more precise the delivery of contrast agent must be, from this it would have been obvious to exchange the external device used in the system provided by Shiraishi with a power contrast agent injector since it is one of many devices that could be used in conjunction with this system and would have to be monitored to ensure proper care and maintenance is observed).

Therefore from this teaching of Fratt, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of power contrast agent injector in a CT system taught by Fratt, for the purpose of providing the users of the system with the newest and most up to date equipment. Shiraishi also mentions that the system can comprise a plurality of machines and uses the gantry apparatus as an example, it would have been obvious to exchange the external device used in the system provided by Shiraishi with a power contrast agent injector since it is one of many devices that could be used in conjunction with this system and would have to be monitored to ensure proper care and maintenance is observed.

13. Claim 3 and 13-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Bonissone et al. (6,609,217).

As per claims 3 and 13-15, the combination of Shiraishi and Gregerson discloses the above-enclosed invention; but fails to explicitly disclose wherein said

Art Unit: 3689

control unit comprises security protecting for isolating said external device at least from permanently installed components of said installed medical imaging apparatus that are not involved in the remote servicing of the external device.

Bonissone et al., which talks about a system and method for diagnosing and validating a machine over a network using waveform data, teaches wherein said control unit comprises security protecting for isolating said external device at least from permanently installed components of said installed medical imaging apparatus that are not involved in the remote servicing of the external device (Col. 15, lines 46-67, Col. 16, lines 1-9; teaches that the system incorporates a firewall for security and to isolate the communications from the external devices being monitored from the rest of the traffic on the network, this security is necessary in any corporate or business environment so that information that is deemed important or confidential is not accessible from the outside or unauthorized users).

Therefore from this teaching of Bonissone et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of a firewall in the medical system taught by Bonissone et al., for the purpose of security. This security is necessary in any corporate or business environment so that information that is deemed important or confidential is not accessible from the outside or unauthorized users.

14. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1)

Art Unit: 3689

hereafter Gregerson, further in view of Bonissone et al. (6,609,217), further in view of Dell: www.dell.com (June 10, 2002) hereafter Dell.

As per claim 4, the combination of Shiraishi, Gregerson and Bonissone et al. teaches the above-enclosed invention, Bonissone et al. teaches the use of a firewall for security but fails to explicitly disclose if the firewall is hardware or software.

Dell, which talks about components that can be installed in a system, teaches wherein said security protection comprises security hardware (Page 17, Under FireWall/Secuirty/VPN, Page 22; teaches that firewalls can be in the form of hardware usable in a system).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment that includes a firewall for security provided by the combination of Shiraishi, Gregerson and Bonissone et al., with the use of a hardware version of a firewall system taught by Dell, for the purpose of a dedicated piece of hardware, which would ease the burden of computing power off of the other computing devices in the system. Hardware firewalls have been known to be faster and more secure then their software alternatives.

As per claim 5, the combination of Shiraishi, Gregerson and Bonissone et al. teaches the above-enclosed invention, Bonissone et al. teaches the use of a firewall for security but fails to explicitly disclose if the firewall is hardware or software.

Dell, which talks about components that can be installed in a system, teaches wherein said security protection comprises security software (Page 17, Under

Art Unit: 3689

FireWall/Secuirty/VPN, Page 19; teaches that firewalls can be in the form of software usable in a system).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment that includes a firewall for security provided by the combination of Shiraishi, Gregerson and Bonissone et al., with the use of a software version of a firewall system taught by Dell, for the purpose of providing the user with an adequate security protection, with minimum change in the network setup and less over all cost. With a software firewall there is no need for extra hardware to be purchase or maintained just for the software to be installed on an existing system.

15. Claims 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Dell.

As per claims 6, 7, 9 and 10, the combination of Shiraishi and Gregerson discloses the above-enclosed invention, Shiraishi discloses having a remote access interface, but fails to explicitly disclose whether it is an original or retrofitted component.

However, the Examiner asserts that when constructing a network certain components are required, such as remote access interfaces. Dell teaches that it is old and well known to purchase network cards and modems as either original or retrofitted components for a system (Pages 3-14; teaches that there are many components that can be optional when setting up an original system Pages 7-8; teaches that remote management cards Network Adapter cards and modems are all optional equipment that

Art Unit: 3689

can be purchased and installed when the system is originally built. Page 24; teaches that networking products such as network adapters and modems can be purchased after the original equipment is set up. Customers would rather have the equipment installed original if available because it saves them time and resources, since they would have to buy the products separately and have them installed. Although the option of retrofitting components is useful for systems that may not have a need for this hardware, for example if the service was not available or was thought to not have been useful at the time, this can save them money on the initial building of the system. As the customer's needs change the equipment needs to be installed or upgraded. Even if the customer had a network adapter or modem installed in their original system they may have a desire at a future date to upgrade that equipment at a later date which advancements in hardware become available).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of originally installed or retrofitted components taught by Dell, to provide their customers flexibility. Customers would rather have the equipment installed original if available because it saves them time and resources, since they would have to buy the products separately and have them installed. Although the option of retrofitting components is useful for systems that may not have a need for this hardware, for example if the service was not available or was thought to not have been useful at the time, this can save them money on the initial building of the system. As the customer's

Art Unit: 3689

needs change the equipment needs to be installed or upgraded. Even if the customer had a network adapter or modem installed in their original system they may have a desire at a future date to upgrade that equipment at a later date which advancements in hardware become available.

Response to Arguments

16. Applicant's arguments filed January 15, 2009 have been fully considered but they are not persuasive.

17. In response to the applicant's argument that, "if any component is considered to be a "basic" component of a permanently installed medical imaging system, it is the gantry thereof. Those of ordinary skill in the field of medical imaging would never consider a gantry to be a "temporarily connected" device," the Examiner respectfully disagrees. As stated in the above rejection the system of Shiraishi, page 3, paragraphs 41 and 42, discloses that the operation console and the gantry are considered to be two separate devices and can even be purchased by separate vendors. Therefore the connection between them is **not** permanent since the operation console or the gantry can be replaced or changed out. Therefore the gantry is **not always** connected to those components as suggested by the applicant. For this reason the Examiner asserts that the prior art reads over the invention as currently claimed.

18. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Art Unit: 3689

19. In response to the applicant's argument that, Gregerson can not be used to show that the gantry is "temporarily connectible to at least one permanently installed component of the medical imaging apparatus," the Examiner asserts that Gregerson was not used for this purpose; Shiraishi was used for this purpose see above rejection. Further Gregerson was used to establish that a gantry is not a permanently installed device as previously suggested by the applicant and that it can be and is often mobile.

20. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., special communication) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically the applicant has argued that, "since the gantry in both the Shiraishi and Gregerson et al references is always present and is always available for connection to a remote servicing site, there is no need to create a special communication path to the gantry for such servicing, since such a servicing communication path is already present," the Examiner respectfully disagrees. The claims as currently written calls for a temporary communication not at "special communication path". As shown above, Shiraishi discloses that the devices are separate and are connected temporarily since the devices can be upgrade or changed. Since the connection is temporary and therefore the communication is temporary, the Examiner asserts that the devices are **not always** available for connection. For this

Art Unit: 3689

reason the Examiner asserts that the prior art reads over the invention as currently claimed.

21. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over Shiraishi, in view of Gregerson et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

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PRF

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
2/13/09